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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,545	01/27/2004	Ylian Saint-Hilaire	1103-49-133008	3084

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EXAMINER

ARCOS, CAROLINE H

ART UNIT

PAPER NUMBER

2195

MAIL DATE

DELIVERY MODE

02/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/766,545	Applicant(s) SAINT-HILAIRE ET AL.
Examiner CAROLINE ARCOS	Art Unit 2195

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: NONE.
Claim(s) objected to: NONE.
Claim(s) rejected: 1-10, 12-13 and 19-21.
Claim(s) withdrawn from consideration: 11, 14-18 and 22-31.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Note below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

Continuation of No. 11

Applicant arguments has been considered and they are not persuasive.

Applicant argues that the cited reference Wollrath doesn't clarify which entity is interested in the event, which entity is causing the registration of the events and which entity processes the events. Examiner respectfully disagree with the applicant since Wallrath teaches that a process register for event of interest and upon the occurrence of the event, a software entity is notified and methods including in the process are executed in response of receiving the notification (col. 3, lines 35-65).

The applicant argues that Wollrath teaches that the entity that registers and identifies the event is different from the entity that is interested in the events. Examiner disagree with applicant, Wollrath teaches that the entity registering for the event of interest to that entity is different than another entity that identifies the events (col. 7, lines 1-20).

Applicant argues that Wollrath teaches that process 402 doesn't wait for notification of occurrence of the event, as required by claim 1.

Examiner agrees that in this particular hypothetical situation in the cited reference of Wollrath that process (402) doesn't wait for the notification of occurrence of the event of interest. However, examiner disagree with the applicant arguments regarding that claim 1 requires process 402 to wait for the notification for occurrence of event. Claim 1 requires first module to wait for the notification of events and doesn't require the second module that register events of interest to wait for the occurrence of the events. Applicant arguments are not persuasive.

Applicant argues stating that Wollrath teaching of process 402 and machine 408 is interested in the event, and the notifier process 403 merely identifies the occurrence of the event to the machine 408, which processes in responses to said notification, which is contrary to claim 1 which recites that the event is of interest to the second module. Applicant argues that the notifier process has no interest in the event and it merely identifies the events and other entities. Examiner disagree with applicant, since Wollrath teaches that a first process (notifier) is monitoring the system for the occurrence of disk full events (the notifier is interested in the event), a second process (402) registers interest in that type of event that is of interest to the second process (the one registering for the event), the second process (process 402) designate virtual machine 408 to receive the notification of the occurrence of the event from the notifier (in this particular example, the process interested in the event designate another to receive the notification but Wollrath explicitly teach that the process registering for the event can also be notified with the occurrence of the events (col. 7, lines 1-20). The second process (process 402) designates virtual machine (408) to be notified in the occurrence of the event to process the event of interest (which is processing the event of interest to the second process (402) indirectly). There is no where in Wollrath teaching that virtual machine 408 is interested in the occurrence of the event.

Applicant argues that the cited reference Gongwer fails to disclose "event of interest". Examiner disagree with applicant, Gongwer teaches that module manager calls each of the module to register each of the interfaces that the module supports into the interface database which is a binary contact point between a supplier method and a consumer method which is the event of interest (col. 3, lines 6-26) teaches that module manager calls each of the module to register each of the interfaces that the module supports into the interface database which is a binary contact point between a supplier method and a consumer method which is the event of interest (col. 3, lines 6-26)